

Message

From: Lawhead, David@Wildlife [David.Lawhead@wildlife.ca.gov]
Sent: 9/17/2015 10:23:20 PM
To: Pankratz, Shannon L SPL [Shannon.L.Pankratz@usace.army.mil]; Nate Bello [bello@wra-ca.com]
CC: Allen, Aaron O SPL [Aaron.O.Allen@usace.army.mil]; Swenson, Daniel P SPL [Daniel.P.Swenson@usace.army.mil]; Zimmerman, Jan@Waterboards [jan.zimmerman@waterboards.ca.gov]; Mahdavi, Sarvy [Mahdavi.Sarvy@epa.gov]; Tim DeGraff [degraff@wra-ca.com]; Tracey Brownfield [tracey@landveritas.com]; Keelie Rocker [KRocker@vcsenvironmental.com]; Julie Beeman [JBeeman@vcsenvironmental.com]; Sevens, Gail@Wildlife [Gail.Sevens@wildlife.ca.gov]
Subject: RE: Corps comments: Petersen Ranch MB, BEI Re-submittal (UNCLASSIFIED)
Attachments: BEI_8-13-2015_CDFW Comments 9-17-15.docx; Ex C-1 Development Plan 8-13-2015 CDFW Comments 9-17-15.doc; Exhibit E-4.2 CE PR Area A 8-17-15 CDFW Comments 9-17-15.docx; Peterson Ranch MB BEI CDFW Comments 9-17-15.docx

Nate and Shannon,

Attached are CDFW's comments on the revised Peterson Ranch Mitigation Bank BEI. Three of the files are BEI documents with my Track Changes comments, and the fourth file has my comments on some of the remaining exhibits. Let me know if you have questions.

Dave

David Lawhead
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From: Pankratz, Shannon L SPL [mailto:Shannon.L.Pankratz@usace.army.mil]
Sent: Thursday, September 17, 2015 8:40 AM
To: Nate Bello
Cc: Allen, Aaron O SPL; Swenson, Daniel P SPL; Lawhead, David@Wildlife; Zimmerman, Jan@Waterboards; Sarvy Mahdavi; Tim DeGraff; Tracey Brownfield; Keelie Rocker; Julie Beeman
Subject: Corps comments: Petersen Ranch MB, BEI Re-submittal (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Hi Nate,

Below are our comments on the draft BEI. For the various documents to be revised, please provide a table listing the comments, what changes were made to address the comments, and list the Section/page numbers for each response. Once Tiffany is able to review the BEI documents, we will pass along those comments. We will also be setting up an IRT meeting in the coming weeks to discuss the subject of casualty insurance:

BDP-

1. On page 3, at least a brief description of what the 1st phase in PR/EL entails should be clearly stated in the last paragraph;
2. Physical UPS's for re-establishment/rehabilitation shouldn't duplicate CRAM metrics, but rather use different UPS's in the UPS excel table;

3. All tables using uniform re-establishment credits "ratio conversion" should have table footnotes stating as such, especially for the different listed mitigation types;
4. Re-label Section 6.3.2 title, as well as all tables in this section, as applicable to pond *and* wetland restoration sites;
4. Page 121, shouldn't the 1.4.4 title include "buffer"? And how is the section 1.4.4 any different from section 1.4.5? Revise as appropriate;
5. Page 138/144, restoration at Frakes Canyon/Edgewater should at least also have a hydrology UPS too, similar to other restoration UPS tables. Same should be applied to any other relevant restoration UPS tables;
6. Page 150, text for the Turkey Tail area describes alluvial/upland buffer/riparian buffer. However, Figure 63 depicts more water types and credits. Moreover, table 37 only contains alluvial credits. Revise as appropriate;
7. Page 157, same comment above applies to Table 41, for the Joey stream area. Table doesn't match text and figures, revise as appropriate;

EXHIBIT F-

8. Page 4, strike out language stating 404 credits can be used/sold outside of the primary/secondary/tertiary service areas;
9. Page 4, should refer to Appendix A as a guide (softer language), not as a directive. Revise as: "The Mitigation Ratio Setting Checklist for both Re-establishment and Preservation Credits is included as Appendix A, and should be used ***as a guide*** to find the appropriate mitigation ratio when purchasing credits from the Bank";
10. Page 9, Section 3.0, should be re-phrased as uniform re-establishment credits and preservation-only credits applying to Phase 1.
11. (Section 3.0) Is a CE not intended for Phase 1 to include Area C, which only has 404 preservation credits?
12. For greater clarity, should consistently use the term "uniform re-establishment credits" throughout;

EXHIBIT F, Appendix A-

13. Revise the paragraph above "aquatic resource re-establishment credits" as follows: "To determine the appropriate mitigation ratio when authorizing use of credits from the Bank, the Corps project manager will use the most current version of the mitigation ratio setting checklist, checklist instructions, and other related documents as described in the Corps *12501-SPD Regulatory Program Standard Operating Procedure for the Determination of Mitigation Ratios*. When applying the checklist the following modifiers should be used as a guide to determine the appropriate mitigation ratio when purchasing credits from the Bank:";

Re-establishment credits section:

14. For Step 2/3, revise to: "...to low functioning urbanized aquatic resources..";
15. For Step 6 (in this section and throughout Appendix A), replace "pristine" with "high functioning". Replace "large" with "substantial";

16. For Step 9, revise as: "For impacts to relatively low-functioning aquatic resources, mitigation ratios for "Re-establishment" credits purchased at the bank will generally fall between 0.25:1 to 1.5:1; based on the adjustments applied in steps 2-8. If the permittee purchasing credits from the Bank does not complete an FCAM, a minimum of 1:1 mitigation ratio would be applied.";

Aquatic resource preservation credits section:

17. For Step 2/3, delete the last sentence.

18. For Step 6, we also do not agree on the suggested ratio adjustment. Remove language listing a specific range.

19. For Step 9, also remove language listing the specific range, rephrase as just a summation of the above steps.

Riparian/Upland Buffer Preservation credit sections:

20. Same comments for these sections, as for the "aquatic resource Preservation credits section".

OTHER-

21. A current title report will be needed.

Thanks,

Shannon Pankratz
Senior Project Manager, Biologist

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Note: If the link is not active, copy and paste it into your internet browser.

-----Original Message-----

From: Nate Bello [<mailto:bello@wra-ca.com>]

Sent: Monday, August 17, 2015 5:50 PM

To: Pankratz, Shannon L SPL; Allen, Aaron O SPL; Swenson, Daniel P SPL; David Lawhead; Zimmerman, Jan@Waterboards; Sarvy Mahdavi; Tracey Brownfield; Julie Beeman; Keelie Rocker;

Tim DeGraff; bchadwick@mitchellchadwick.com

Subject: [EXTERNAL] Petersen Ranch Bank Enabling Instrument Resubmittal

Hi all,

We have uploaded the BEI Exhibits to RIBITS incorporating all of the changes from your comments on our September submittal, as well as the results of our IRT meetings earlier this year. We have also incorporated the Water Board and CDFW's comments/input on the service areas which we received last month (Thank you!)

We have provided word documents in track changes for everything except for Exhibit C-1, the Development Plan, which had such sweeping changes that tracking the changes was infeasible. Attached to this email is a matrix summarizing how we addressed your comments and which exhibits in the BEI have changed from the September submittal. Also, attached to this email is the Sponsor's expected review schedule, though she is very hopeful that we can improve on the timeline indicated by this schedule.

The files can be downloaded from RIBITS, or,

These files can also be downloaded from our FTP site:

[FTP://50.76.51.173](ftp://50.76.51.173) <<ftp://50.76.51.173/>>

Username: PetersenRanch

Password: Petersen\$

or from Dropbox:

[BLOCKEDdropbox\[.\]com/sh/7m5wqg6pziu3160/AAC00oXpgH9AnDScA35-mBSka?dl=0](https://www.dropbox.com/sh/7m5wqg6pziu3160/AAC00oXpgH9AnDScA35-mBSka?dl=0)BLOCKED

If you need a CD of these files, please contact me and I will send one to you ASAP.

Thank you all for working with us on this project,

Nate

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Caveats: NONE